

CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING
MINUTES

June 16, 2011

Chairman T. Michalski called the meeting to order at 4:02 p.m. and roll was taken.

MEMBERS PRESENT: L. Spataro, B. Mazade, S. Warmington, B. Larson
B. Turnquist, T. Michalski, J. Doyle

MEMBERS ABSENT: W. Parker, excused; B. Smith

STAFF PRESENT: M. Franzak, H. Mitchell

OTHERS PRESENT: K. Dykman, 2474 Renae; M. Vasquez, 517 E. Broadway; M.
Gordon, 363 Ottawa.

APPROVAL OF MINUTES

A motion that the minutes of the regular meeting of April 14, 2011 be approved, was made by B. Turnquist, supported by B. Larson and unanimously approved.

PUBLIC HEARINGS

Hearing; Case 2011- 07: Request to rezone the property at 1753 Madison St. from 1-2, General Industrial District to B-4, General Business District by Kurt Dykman, JNJ Discount. M. Franzak presented the staff report. Kurt Dykman, owner of JNJ Discount, would like to move his growing business at 911 W. Laketon Ave. to a larger building. JNJ Discount is a retail business that specializes in discount items including new and used goods. This type of business must be located in a B-4 zone. The property at 1753 Madison St. encompasses 4.2 acres and contains three separate buildings. The main building facing Laketon Ave. is roughly 16,500 square feet and is currently vacant. JNJ Discount would occupy this building, which would host a showroom and storage space. The smaller building to the northeast is roughly 4,200 square feet and is currently occupied by a small office business who plans on staying regardless of the zone change and relocation of JNJ Discount. The building on the northern edge of the property is roughly 4,700 square feet and is being rented out for storage. It would continue to be rented as storage after a rezoning as well. The property is located just west of the Laketon Ave. exit off US-31. Port City Industrial Center is located just east of the exit. The property abuts R-1 Single Family Residential Districts to the north, east and southwest. There is adequate parking and the applicant has agreed to stripe the parking spaces. John Hughes, who owns many properties around 1753 Madison and was notified of the rezoning request, is in favor of bringing more retail off of the US-31 exit. Staff did not receive comments from any other citizens on this request. Staff recommends approval of the rezoning based on conformity with the 1997 Master Land Use Plan. A major goal of this area is to create buffer areas to the residential neighborhoods through zoning. This would be a downzoning to a less intensive use.

K. Dykman described the business as being the sale of new items with good prices.

L. Spataro arrived at 4:06 p.m.

K. Dykman would like to grow and expand his business. He would also like to open another business at this location and operate an on-line auction center and bring in jobs. The other building would be offered to others for office space. B. Turnquist asked about the other store's existing sign. K. Dykman stated that the sign belongs to the other business that is located at the rear of the building. J. Doyle asked if he planned on purchasing the property. K. Dykman stated that he would be contingent on the rezoning. J. Doyle asked if he currently owned the location that the store is at. K. Dykman stated that he rents that location. J. Doyle asked about signage for the new location. K. Dykman stated that he would utilize what is currently on the site. T. Michalski felt it would be a good use and hopefully it would bring more jobs. K. Dykman stated that it would be a nice fit and bring life back to the area.

A motion to close the public hearing was made by B. Mazade, supported by J. Doyle and unanimously approved.

L. Spataro asked if this would create a spot zone. M. Franzak stated it would not due to the size of the square footage of the area the request is for.

A motion that the request to rezone the property located at 1753 Madison St from I-2, General Industrial District to B-4, General Business District, as described in the public notice, be recommended for approval to the City Commission pursuant to the City of Muskegon Zoning Ordinance, and the determination of compliance with the intent of the City Master Land Use and zoning district intent, was made by S. Warmington, supported by B. Larson and unanimously approved.

Hearing: Case 2011-08: Request to rezone the property at 2010 S. Getty St. from I-1, General Industrial District to B-4, General Business District by Michael Vasquez. M. Franzak presented the staff report. The applicant would like to rezone the property from I-1 to B-4 so that he may apply for a Special Use Permit to have automobile sales. The property has been used in the past as a car dealership as a legal non-conforming use; however, the legal non-conforming use has been abandoned for more than two years, therefore, that use is no longer allowed. The parcel is roughly 16,652 square feet (0.38 acres). B-4 districts require a minimum parcel size of 10,890 square feet. There are three other car dealerships within a half mile of this parcel: two of them are in Muskegon and one is in Muskegon Heights. Parcels to the north are zoned B-4, General Business District and parcels to the south are zoned I-1, Light Industrial District. Medendorp Industrial Park is also located to the south. The 1997 Master Land Use Plan does not address a need nor place restrictions on this type of use. This would not be considered a spot zone due to the B-4 zones located to the north.

B. Mazade asked if it the property would be better off being rezoned regardless if it were to be used for auto sales. M. Franzak stated that there is more than enough industrial zoned properties and that this would not create a spot zone.

M. Vasquez went over the current zoning district language for industrial and he felt it auto sales could be in an industrial area. He has always been involved in auto sales and repairs. This would create job growth and he would have more employees. B. Turnquist asked how soon he would

open once the applicant made the necessary changes at the location. M. Vasquez stated that he would open as soon as he could and update the property as necessary. B. Turnquist asked if the wheelchair company would be staying at the location as well. M. Vasquez stated that they would be moving. T. Michalski asked if the applicant had spoken with staff in regards to the requirements for outdoor lighting. M. Franzak stated that they had not discussed this yet.

A motion to close the public hearing was made by S. Warmington, supported by L. Spataro and unanimously approved.

A motion that the request to rezone the property located at 2010 S. Getty St. from I-1, Light Industrial District to B-4, General Business District, as described in the public notice, be recommended for approval to the City Commission pursuant to the City of Muskegon Zoning Ordinance, and the determination of compliance with the intent of the City Master Land Use and zoning district intent, was made by L. Spataro, supported by S. Warmington and unanimously approved.

Case 2011-09: Request for a site plan review for the property at 363 Ottawa St for a 10,075 square foot addition, by Gregory Teerman, Lake Welding Supply Co. M. Franzak presented the staff report. The parcel is located in an I-2, General Industrial zoning district. The lot is 1.4 acres and the current building is 16,891 square feet. The proposed addition will total 10,075 square feet. The additions consist of a 2,130 square foot addition near the middle of the building near Ottawa St for storage. The other addition will add 7,945 square feet of storage and a showroom at the east end of the property. The applicant has proposed to remove the four parking spaces on Ottawa St. and replace with landscaping. The main entrance for customers will be on the east end off of Marquette Ave. There are 20 spaces for employee parking on the lot south of Ottawa St. There are also various other parking spaces around the building, such as the location on the corner of Ottawa St. and the vacated street to the west, in front of the truck repair portion of the main building. Parking is allowed on most of Ottawa St., except near the northwest corner of Ottawa St. and Marquette Ave. They are required to have at least 33 parking spaces per zoning ordinance standards. This plan shows 28 striped spaces; however, there are some grandfathered non-striped parking spaces located on the southwest corner of the building. Parking appears to be adequate. The DPW and Police Department did not have any concerns with the proposed site plan. The Fire Department has accepted the site plan with the following conditions: 1) Fire flow water calculations shall comply with IFC Table 105.1 for type IIIB construction, 2) Hydrant placement and number of hydrants shall comply with IFC Table 105.1, 3) Owner shall schedule water flow test with DPW and proposed fire protection company, and 4) Key box required for Fire Department access. The Engineering Department has denied the site plan until the following problems are addressed: 1) Depth of the leaching basins is provided, and 2) Must show inverts of existing and proposed. The Planning Department has denied the site plan until the following problems are addressed: 1) The site plan must state that the new parking lot on the east side of the building will be paved, and 2) The addition of the loading dock on the north side of the property is located only 10 inches from the property line-- the setback must be at least 10 feet. Staff recommends approval of the request for site plan approval, subject to the conditions listed in the staff report.

M. Gordon had brought in a site plan with some updates that D. Borgeson had drawn up and the loading dock on the east that needed to be moved was moved and they lost a parking space. B. Mazade asked if this would clear up one of staff's concerns. M. Franzak stated that it would but they have to say it will be paved and they will then meet the parking requirement. Engineering

and Fire needed to clear up a couple of things and they are working with the applicant on those items. M. Gordon stated that this would be a two fold project. There is a need for a better show room and the area to process cylinder gas would be improved. He went over the changes with the new site plan that had changes on it.

A motion to close the public hearing was made by B. Larson, supported by S. Warmington and unanimously approved.

B. Mazade disclosed that he and other staff members have been meeting with the applicant regarding this project.

A motion that the site plan for the additions at 363 Ottawa St for Gregory Teerman, Lake Welding Supply Co, be approved, with the condition that all requirements listed in items number 7, 8, and 9 of the staff report shall be provided to staff as needed prior to issuance of a building permit, was made by B. Mazade, supported by B. Larson and unanimously approved.

OLD BUSINESS

None

OTHER

1) Green Gardens Car Lot on Laketon Ave. – T. Michalski asked how this project was progressing. M. Franzak stated that he hasn't heard from them in a couple of months and he would try to get in touch with them. B. Mazade asked about the timeline they still had to get the project going. M. Franzak stated that they have one year and they have about eight months to get it in.

2) Former Lincoln Mercury Site – T. Michalski asked about the site and the uses that are there. M. Franzak stated that he has had a couple of calls from citizens. The uses that are there are okay. The car detailer was recently approved for a sign. B. Mazade asked about the car lot that is across the side street from this. B. Turnquist had thought they approved of the car lot to be there. B. Larson stated that they had not. M. Franzak stated he would look into it. S. Warmington stated that he has had complaints from citizens stating that the car lot wasn't licensed and he didn't know if they were or not. M. Franzak stated that he believed they were; but he would check into it.

There being no further business, the meeting was adjourned at 4:32 p.m.